

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DEBORAH K. WITT,)	
)	
Plaintiff,)	CONSOLIDATED
)	NOS. 3:04-0928
v.)	3:04-1064
)	Judge Echols
METAL MOULDING CORP., et al.,)	
)	
Defendants.)	

ORDER

For the reasons set forth in the Memorandum issued contemporaneously herewith, the Court rules as follows:

(1) The Magistrate Judge's Report and Recommendation (Docket Entry No. 21) is hereby ACCEPTED IN PART¹ and REJECTED IN PART.

(2) The Report and Recommendation is hereby ACCEPTED with respect to the Magistrate Judge's recommendation that Defendants' Motion to Dismiss (Docket Entry No. 16) Plaintiff's retaliation claims (Counts III & IV of the Sixth Amended Complaint, Docket Entry No. 13) be denied and the recommendation that Defendants' Motion to Dismiss Plaintiff's claims for intentional infliction of emotional distress, and civil conspiracy be granted (Counts V & VI of the Sixth Amended Complaint, Docket Entry No. 13);

¹Defendants' Motion to Dismiss also seeks dismissal for Plaintiff's failure to comply with Court orders. The Magistrate Judge recommended denying the Motion on this ground. (Docket Entry No. 21 at 5). Neither party objected. The Report and Recommendation is accepted and adopted with regard to this recommendation as well.

(3) The Report and Recommendation is REJECTED with respect to the Magistrate Judge's recommendation that Plaintiff's claims for sexual discrimination (Counts I and II of the Sixth Amended Complaint, Docket Entry No. 13) be limited to claims of harassment against "Mark";

(4) Plaintiff's Objection to the Report and Recommendation (Docket Entry No. 23) is hereby SUSTAINED;

(5) Defendants' Objections (Docket Entry No. 22) are hereby SUSTAINED IN PART and OVERRULED IN PART;

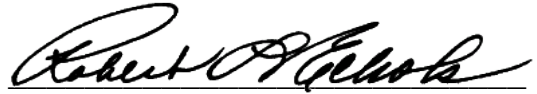
(6) Plaintiff's claims against the individual Defendants, Terry Majors and James D. Parrish are hereby DISMISSED WITH PREJUDICE; and

(7) Plaintiff's claims for the intentional infliction of emotional distress and for civil conspiracy (Counts V & VI of the Sixth Amended Complaint, Docket Entry No. 13) are hereby DISMISSED WITH PREJUDICE.

These consolidated cases shall proceed against Defendant Metal Moulding on Plaintiff's claims of sexual discrimination and retaliation in violation of Title VII and the THRA. The case is hereby returned to the Magistrate Judge to immediately schedule a case management conference for the purpose of setting a **trial date to commence no later than November 30, 2006**, a final pretrial conference date, and deadlines for pretrial discovery, as well as to monitor and manage the progress of discovery to ensure the case proceeds in accordance with said deadlines. The magistrate Judge

is directed to coordinate the setting of a trial date with Judge Echols' Courtroom Deputy.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", is written over a horizontal line.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE